

# KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63<sup>RD</sup> FLOOR  
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040  
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.KAPLANHECKER.COM

DIRECT DIAL 212.763.0884

DIRECT EMAIL rkapan@kaplanhecker.com

December 9, 2022

**BY ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

*Re: Catherine McKoy, et al. v. Trump Corp., et al., No. 1:18-cv-9936  
(LGS - SLC)*

Dear Judge Schofield:

We write on behalf of Plaintiffs in the above-referenced action pursuant to the Court's Order requesting our availability for trial (ECF 504) and in brief response to Defendants' letter of today (ECF 505).

Plaintiffs are generally available for trial between October 2023 and June 2024, except for Court holidays and the first night of Passover, which is on April 22, 2024. For the reasons set forth in our letters dated November 21 (ECF 499) and 22 (ECF 500), we continue to believe that given Donald J. Trump's recent announcement that he intends to run for President in the 2024 election, trial in this case needs to happen in 2023. We can make ourselves available before the currently-scheduled October 2, 2023 start date for the New York Attorney General's trial in *People of the State of New York v. Donald J. Trump, et al.*, Index No. 452562/2022 (Sup. Ct. N.Y. Cnty.) if the Court deems that appropriate.<sup>1</sup>

Certainly, nothing in Defendants' letter justifies deferring trial in this case so that it takes place in the spring of 2024. Indeed, by that time, Donald Trump's presidential campaign will already be in full swing. By way of example, in 2016, there were four Republican primaries or caucuses in February and more than 20 in March, including on Super Tuesday.

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<sup>1</sup> As Your Honor is no doubt aware, it is entirely possible that the October 2 date for the NYAG trial gets moved. This is common in any court, but even more so in New York state courts given the availability of interlocutory appeal.

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Notably absent from Defendants' letter is any representation or assurance that Donald J. Trump will accept a March 2024 trial date and will not use his presidential campaign as a basis to seek an adjournment or further delay, even though we will then be in the middle of the primary season. At a minimum, we think that such a representation is necessary if the Court is inclined to set the trial date as far out as March 2024 despite the obvious practical difficulties of conducting a jury trial in this case at that time.<sup>2</sup>

Respectfully submitted,



Roberta A. Kaplan

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<sup>2</sup> To give just one example, picking a jury in the spring of 2024 is likely to require significantly larger venire panels and take more time to complete given the inevitably high volume of press coverage of the presidential campaign at that time.